

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION**

MARANDA LYNN O'DONNELL, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 16-cv-01414
	)	(Consolidated Class Action)
HARRIS COUNTY, TEXAS, et al.	)	The Honorable Lee H. Rosenthal
	)	U.S. District Judge
Defendants.	)	
	)	

**JOINT MOTION TO APPOINT INDEPENDENT MONITOR**

Pursuant to Section 101(b) of the Consent Decree in the above-captioned case, Dkt. 708, the Parties jointly move this Court to appoint Professor Brandon L. Garrett as Independent Monitor, and Professor Sandra Guerra Thompson as Deputy Monitor, for the Consent Decree. Following an open call for proposals and a competitive application and interview process, representatives of all parties—the Plaintiffs, the Judges, the County, and the Sheriff—reached consensus that Professor Garrett’s plan for the Monitorship, Ex. A, is most likely to lead to successful and timely implementation of the Consent Decree and, ultimately, a self-sustaining, self-monitoring system that promotes liberty, court appearance, and community safety.

**I. Selection Process**

Following this Court’s approval of the Consent Decree on November 21, 2019, Dkt. 707, Dkt. 708, the Parties complied with each of the selection-process requirements of the Consent Decree as set forth in Section 101 of the Consent Decree. On December 9, 2020, the Request for Proposals (“RFP”), Ex. B, was made public on the website for the County Attorney’s Office ([www.harriscountyciao.org](http://www.harriscountyciao.org)), Ex. C (PDF of web posting). *See* Dkt. 708 ¶ 101(a) (requiring the Parties to issue an RFP within 60 days of Consent Decree approval). Consistent with the terms of

the Consent Decree, the RFP required applicants to “have expertise in some combination of the following: pretrial release and detention practices, monitoring and oversight, preparation of reports or other written materials for diverse audiences, law and civil rights, project management, data analysis and information technology, communication, and budgeting,” as well as a “demonstrated ability to collaborate with government entities and knowledge of the diverse communities affected by the pretrial system.” Dkt. 708 ¶ 99; Ex. B at 5. Further, the RFP instructed applicants to identify their “qualifications, proposed team members, proposed Monitoring plan, and a proposed budget.” Dkt. 708 ¶ 101(a); Ex. B at 5–6. The Parties requested additional information, including a description of the Monitor’s proposed activities and the Monitor’s plan for incorporating the advice and input of directly impacted and formerly incarcerated people as well as non-expert community members. Ex. B at 5–6 (Required Proposal Content). The RFP required proposals to be submitted by January 31, 2020, 53 days after the RFP was issued. *See* Dkt. 708 ¶ 101(a) (“The period for receiving applications may be no less than 30 days and no more than 60 days.”).

The Parties received applications from four highly qualified teams and scheduled interviews with all four teams for February 12 and 13, 2020 in Houston.<sup>1</sup> Having concluded the interview process, the Parties now move this Court pursuant to Section 101(b) of the Consent Decree to appoint Professor Garrett as the Independent Monitor. *See* Dkt. 708 ¶ 101(b) (“Within 30 days from the close of the period for submitting applications [January 31, 2020], the Parties will review applications, interview candidates, and recommend a candidate to the Court for appointment.”). Professor Garrett will be supported by (1) Professor Sandra Guerra Thompson of University of Houston Law Center as Deputy Monitor, who will organize and lead a Community Working Group as well as public meetings and conferences, (2) a research team at the Public

---

<sup>1</sup> In addition to Professor Garrett’s proposal, the selection committee received proposals from teams led by Pretrial Justice Institute; Michael Bromwich; and Goodewille Pierre.

Policy Research Institute at Texas A&M University, which will evaluate the costs and savings associated with bail reform in Harris County, Ex. A at 37-40 (summary of cost study), (3) the Center for Science and Justice at Duke University, which conducts interdisciplinary research on criminal justice and civil rights, and will have as its Executive Director, starting on March 1, 2020, Thomas Maher, an expert in indigent defense, and (4) a Community Working Group consisting of retired law enforcement officials, people who provide services to indigent individuals released pretrial, representatives of the business community, and local organizers and activists, who will work closely with the Monitor to ensure the voices of relevant community stakeholders are heard throughout implementation.

## **II. The Garrett-Thompson Proposal**

1. Proposal Summary: As stated in the proposal, Professors Garrett and Thompson aim to implement the Consent Decree in a way that results, within seven years, “in a permanent system, one which no longer requires external monitoring, and which is itself capable of transparently assessing outcomes, improving processes, securing rights, safeguarding public safety, reducing costs, and preventing constitutional violations and disparities based on race, ethnicity or socioeconomic status. In short, the system should become self-monitoring.” Ex. A at 4–5.

The Monitorship will be guided by nine principles, which Professors Garrett and Thompson derived from the Consent Decree itself: “(1) transparency; (2) accountability; (3) permanency; (4) protecting constitutional rights; (5) racial, ethnic, and socioeconomic fairness; (6) public safety and effective law enforcement; (7) maximizing liberty; (8) cost and process efficiency; and (9) evidence-based, demonstrated effectiveness,” each of which is described in detail in the proposal. Ex. A at 7–13. Professor Garrett will oversee researchers at Duke University and Texas A&M University, with expertise in data analysis, criminal legal system data, pretrial

data, and both qualitative and quantitative research methods, who will assist in a data-driven monitoring process.

A central component of the Garrett-Thompson proposal is the Community Working Group, which consists of individuals representing diverse constituencies affected by the bail system, who will work closely with the Monitor team to ensure the voices of various communities are heard throughout the monitoring process and will facilitate dissemination of accurate information about the new system. The Community Working Group includes local residents with varying perspectives—including a social worker, representatives from the law enforcement community, advocates for the homeless, and local activists who have been advocating for bail reform for years. This group has “committed to being personally involved in all aspects of the Monitorship, including [] meetings, as well as research, analysis, and other management tasks.” Ex. A at 5. Professor Sandra Guerra Thompson, with University of Houston Law Center, will serve as the Deputy Monitor, overseeing the Community Working Group and community engagement.

2. Team Members’ Roles: It is important to the Parties that the Monitoring team have a clear structure with clearly defined roles to avoid adding unnecessary confusion, personnel, or bureaucracy to the implementation process. Professors Garrett and Thompson have provided an organization chart that illustrates the team’s structure, and have described in detail the roles key team members will play. Professor Garrett will serve as the Monitor with final decisionmaking authority over all aspects of the monitoring process, including final authority for approving, reviewing, and overseeing all of the work done by other members of the Monitor team. In addition to making final decisions on all aspects of the Monitorship, Professor Garrett will oversee the work of the researchers at Texas A&M and at Duke University, including the cost study and ongoing analysis of Harris County data. Both research teams will report to him. Ex. A at 14–19, 54.

Professor Thompson will convene the Community Working Group and oversee its work. She will facilitate dialogue between the researchers, the Community Working Group, stakeholders, and the broader community. Professor Thompson will organize conferences in Houston and oversee the Monitor website. Professor Thompson will also assist in writing reports and reviewing research findings. Although Professor Thompson will convene and facilitate the Community Working Group, Professor Garrett also will be engaged in its work and in learning from the participation of the Harris County community. Similarly, although directing the work of the researchers and data analysts will not be Professor Thompson's primary role, she will be involved in reviewing research findings. Ex. A at 5.

### **III. The Parties' Unanimous Support**

The Parties wish to highlight a few of the components of the proposal that, in their shared view, make the proposed Monitor Team's success highly likely. (1) The Monitor Team brings substantial experience working in the Harris County criminal legal system, and on pretrial justice (both in Harris County, elsewhere in Texas, and in other states). (2) They bring a strong commitment to, and extensive experience with, collecting, cleaning, and reviewing large data sets; institutional reforms that require large-scale culture change; and instituting systems and processes to ensure government transparency and accountability. The research team at Texas A&M has specific experience with Texas courts and data systems that will assist Defendants in the important work of linking and cleaning their data to facilitate robust analysis and public reports. (3) The Team has a strong local presence and personal ties to the community, which are essential to maximizing the Monitor's effectiveness: Professor Thompson has built her career studying criminal justice reform issues in Texas and is based at the University of Houston. She has ongoing relationships with advocacy groups and with current and former system actors. Moreover, the

Community Working Group will help ensure that community voices, directly impacted people, and the perspectives of law enforcement and other stakeholders are integrated into the Monitor's recommendations and decisions, and that information about the implementation process, including progress and setbacks, is regularly and accurately shared. (4) The proposed Monitor Team is cost-effective. The Garrett-Thompson proposal was the least expensive of the four proposals.

In short, the Parties enthusiastically move this Court to appoint Professors Garrett and Thompson as the Independent Monitor to ensure the Consent Decree in this case is implemented fully and on time.

Date: February 25, 2020

/s/ Alec Karakatsanis

/s/ Elizabeth Rossi

Alec George Karakatsanis

alec@civilrightscorps.org

Elizabeth Rossi

elizabeth@civilrightscorps.org

Civil Rights Corps

1601 Connecticut Ave NW, Suite 800

Washington, DC 20009

Telephone: (202) 681-2721

Respectfully Submitted,

/s/ Neal S. Manne

Neal S. Manne

Texas Bar No. 12937980

nmanne@susmangodfrey.com

Lexie G. White

Texas Bar No. 24048876

lwhite@susmangodfrey.com

Joseph S. Grinstein

Texas Bar No. 24002188

jgrinstein@susmangodfrey.com

SUSMAN GODFREY L.L.P.

1000 Louisiana Street, Suite 5100

Houston, Texas 77002

Telephone: (713) 651-9366

Facsimile: (713) 654-6666

/s/ Michael Gervais

Michael Gervais

mgervais@susmangodfrey.com

SUSMAN GODFREY L.L.P.

1900 Avenue of the Stars, #1400

Los Angeles, CA 90067

Telephone: (310) 789-3100

*Attorneys for Plaintiffs*

VINCE RYAN, HARRIS COUNTY ATTORNEY

/s/ Melissa L. Spinks

Melissa L. Spinks  
Assistant County Attorney  
Federal I.D. 1312334  
State Bar No. 24029431  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002  
Telephone: (713) 274-5132  
Facsimile: (713) 755-8924  
[melissa.spinks@cao.hctx.net](mailto:melissa.spinks@cao.hctx.net)

*ATTORNEY FOR HARRIS COUNTY*



G. Allan Van Fleet, P.C.  
Texas Bar No. 20494700  
6218 Elm Heights LN, Suite 201  
Houston, TX 77081-2409  
(713) 826-1954  
[allanvanfleet@gmail.com](mailto:allanvanfleet@gmail.com)

*ATTORNEY FOR DEFENDANTS  
COUNTY CRIMINAL COURTS AT LAW  
JUDGES*

/s/ Victoria Jimenez

OF COUNSEL, VINCE RYAN  
Harris County Attorney

VICTORIA L. JIMENEZ  
Assistant County Attorney  
Federal I.D. No. 2522937  
State Bar No. 24060021  
1861 Old Spanish Trail  
Houston, Texas 77054  
Telephone: (832) 927-5211  
Facsimile: (713) 755-8924  
E-mail: [victoria.jimenez@cao.hctx.net](mailto:victoria.jimenez@cao.hctx.net)

/s/ Murray Fogler

Murray Fogler  
FOGLER, BRAR, FORD,  
O'NEIL & GRAY, LLP  
2 Houston Center  
909 Fannin St, Suite 1640  
Houston, Texas 77010  
(713) 481-1010  
(713) 574-3224 (Fax)

*Attorneys for Defendant Sheriff Ed Gonzalez*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of February 2020, I electronically filed the foregoing with the clerk of the court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ *Elizabeth Rossi*  
Elizabeth Rossi